IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Case No. 7:20-cv-00132-M

ACC PARTNERS, LLC,)	
)	
Plaintiff,)	
)	
V.)	OBBER
FIRST PROTECTIVE INSURANCE)	ORDER
)	
COMI ANT,)	
Defendant.)	
COMPANY, Defendant.)))	

This matter comes before the court on Plaintiff ACC Partners, LLC's motion to remand the case to New Hanover County, North Carolina Superior Court pursuant to 28 U.S.C. § 1447(c), filed July 30, 2020. [DE-11]

Within Plaintiff's motion and supporting memorandum, Plaintiff argues that the court should remand the matter because 28 U.S.C. § 1332's \$75,000 amount-in-controversy requirement is not satisfied, and that the court accordingly lacks subject-matter jurisdiction over the parties' dispute. [DE-11, 12] Plaintiff also states within its motion that "Counsel for Plaintiff has conferred with counsel for Defendant [First Protective Insurance Company], and understands Defendant has no objection to remand given the confirmation of the limited scope of relief requested in the Complaint and that the 'amount in controversy,' if any, is less than \$75,000.00." [DE-11 ¶ 12] Defendant did not file any response to Plaintiff's motion, the deadline for which has passed.

Because Defendant failed to respond to Plaintiff's motion, the court credits Plaintiff's assertion regarding the parties' conference and the amount in controversy between them. It therefore "appears that the district court lacks subject matter jurisdiction" within the meaning of 28 U.S.C. § 1447(c). The court

accordingly GRANTS Plaintiff's motion to remand, which renders MOOT the other motions pending before this court. [DE-6, 14]

SO ORDERED this the 25th day of August, 2020.

UNITED STATES DISTRICT JUDGE